

REMARKS

The Applicants do not believe that examination of this response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant requests that this response be entered and that the claims to the present application, kindly, be reconsidered.

The Office Action dated February 17, 2006 has been received and considered by the Applicants. Claims 1-14 are pending in the present application for invention. The Office Action rejects Claims 1-14.

The Office Action rejects Claim 8 under the provisions of 35 U.S.C. §101, as not defining statutory subject matter. The Applicants, respectfully, point out that Claim 8 depends from claims that are not rejected as being non-statutory. A computer program product is not inherently non-statutory as this rejection seems to suggest. The Applicants, respectfully assert that Claim 8 does not become un-statutory simply because it defines subject matter for a computer program product. Therefore, this rejection is traversed.

This subject matter is discussed on page 7, lines 30-34 of the specification. The Applicants assert that Claims 1-2, 4 and 6, define a device, not a computer program, therefore the subject matter defined by Claims 1-2, 4 and 6 is clearly statutory subject matter.

The Office Action rejects Claim 14 under the provisions of 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the invention. The Examiner states that the term "the representation" does not have sufficient antecedent basis. The foregoing amendment to Claim 14 has corrected this oversight.

The Office Action rejects Claims 1-3, 7, 8/1, 8/2, 8/3, 9-10 and 14 under the provisions of 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,317,141 issued in the name of Pavley et al. (hereinafter referred to as Pavley et al.) in view of an IBM Technical Bulletin, Vol. 37, No. 02B, February 1994 entitled Film Reel Control-New Way to View Video" (referred to hereinafter as Film Reel Control).

The Examiner states that portion 306 can be used to characteristics. The Applicants, respectfully, point out that reference number 306 within Pavley et al. refers to icon/information area 306. The icon/information area 306 within Pavley et al. has no function related to selection of images. The icon/information area 306 is clearly described by Pavley et al. as being used for displaying the media type for the associated media object (see col. 8, lines

11-14). Pavley et al., in discussing Figure 4B., on col. 8, lines 16-32 clearly state that a thumbnail image 350 is positioned over a notch in the selection arrow line to become the active media object 356. Pavley et al. on col. 8, lines 33-40 states that once the thumbnail 350 becomes the active media object 356, the media type icons corresponding to the media objects are automatically displayed in the icon/information area 306. Pavley et al. clearly teach that icon/information area 306 provide the user with a tool for identifying groups of media objects (see col. 8, lines 41-49) for thumbnail image 350 that are positioned over a notch in the selection arrow line to become the active media object 356. There is no disclosure or suggestion within Pavley et al. for icon/information area 306 to have any function to select characteristics of the representation as defined by rejected Claims 1, 7 and 14. Moreover, icon/information area 306 within Pavley et al. is not a portion of any of the images or representations.

The Examiner admits that Pavley et al. do not disclose that a portion can be used to select the representation. The Examiner alleges that Film Reel Control teaches that selecting a film reel results in selecting the frame which the frame borders on page 352. The Applicants, respectfully, point out that Film Reel Control clearly teaches on the bottom of page 352 that "instead of finding and choosing one frame at a time, a user could select... a group of frames to be moved into the desired application." Therefore, Film Reel Control teaches away from images having a portion that is used to select characteristics of the image as defined by rejected Claims 1, 7 and 14.

Therefore, this rejection is respectfully traversed.

The Applicant respectfully point out that rejected Claims 2 and 9 define subject matter a border area functioning as the portion, and the browsing means is arranged to show, in response to a selection of a border area of a representation, representations in the sequence belonging to the same category as the representation whose border area is selected. The Examiner states that Pavley et al. disclose that border areas can function as the portion defined by the rejected claims. As discussed above, Pavley et al. make no disclosure or suggestion for a portion of an image or representation that can be used to select characteristics of that image or representation. The Examiner further states that a slide show can be created in response to selection of a border of an image. The Applicants unequivocally deny this assertion contained within the Final Office Action. There is no teaching or mentioning of any subject matter within Pavley et al. that can be construed as a slide show being created in response to selection of any

portion of an image. Pavley et al. clearly describes, beginning on col. 10, line 54 of that reference, the process of grouping objects is accomplished using the "Mark" command that is not a portion of any image or representation. Therefore, this rejection is respectfully traversed.

The remaining claims under this rejection depend from and further narrow and define the previously discussed claims that are believed to be allowable. Therefore, the remaining claims under this rejection are also believed to be allowable.

The Office Action rejects of Claims 4, 8 and 11 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. in view Film Reel Control and further in view of U.S. Patent No. 6,259,432 issued to Yamada et al. (hereinafter referred to as Yamada et al.). The rejected claims has define the portion as being capable of being used to select that representation resulting in a determination of a category for the representation. The Applicants respectfully submit that Pavley et al., Film Reel Control or Yamada et al. do not disclose or suggest a portion as being capable of being used to select that representation resulting in a determination of a category for the representation. Therefore, these claims are believed to allowable over the combination of Pavley et al., Film Reel Control and Yamada et al.

The Office Action rejects Claims 5, 8 and 12 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. in view Film Reel Control and further in view of U.S. Patent No. 6,211,879 issued to Soohoo (hereinafter referred to as Soohoo). The Applicants respectfully submit that Pavley et al., Film Reel Control or Soohoo do not disclose or suggest a portion as being capable of being used to select that representation resulting in a determination of a category for the representation. Therefore, these claims are believed to allowable over the combination of Pavley et al., Film Reel Control and Soohoo.

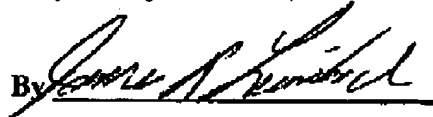
The Office Action rejects Claims 6, 8 and 13 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Pavley et al. in view of Film Reel Control and further in view of U.S. Patent No. 6,437,802 issued to Kenny (hereinafter referred to as Kenny). The Applicants respectfully submit that Pavley et al., Film Reel Control or Kenny do not disclose or suggest a portion as being capable of being used to select that representation resulting in a determination of a category for the representation. Therefore, these claims are believed to allowable over the combination of Pavley et al., Film Reel Control and Kenny.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Please charge any required fees for this response to deposit account 50-3745, including extension fees but excluding issue fees, and please credit any overpayments to the same account.

Respectfully submitted,

By 

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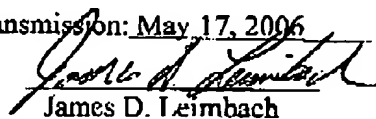
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